

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY
: ORDER OF FORFEITURE
- v. - : 10 Cr. 520 (SAS)
KENNETH STARR, :
: Defendant.
: x

WHEREAS, on or about June 10, 2010, an Indictment, 10 Cr. 520 (SAS) (the "Indictment"), was filed charging the defendant Kenneth Starr with twenty counts of wire fraud (Counts One through Twenty) in violation of Title 18, United States Code, Section 1343; one count of money laundering in violation of Title 18, United States Code, Section 1956(a)(1) (Count Twenty-One); one count of fraud by an investment advisor in violation of Title 15, United States Code, Sections 80b-6 and 80b-17 (Count Twenty-Two); and one count of securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff(a) (Count Twenty-Three);

WHEREAS, the Indictment contained a forfeiture allegation providing notice that, as a result of the offenses charged in the Indictment, the defendant shall forfeit to the United States any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the alleged wire, money laundering and security fraud offenses;

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WHEREAS, on or about September 10, 2010, the defendant pled guilty to Counts Nine, Twenty-One and Twenty-Two of the Indictment pursuant to a plea agreement with the Government;

WHEREAS, under the terms of the plea agreement, the defendant admitted the forfeiture allegation in the Indictment and agreed to forfeit to the United States:

a. All of the defendant's right, title, and interest in the following properties:

Any and all right, title, and interest in the real property and appurtenances known as 433 East 74th Street, Unit 1C, New York, New York, 10021, together with all improvements and attachments thereto

(the "Subject Property");

WHEREAS, the defendant consents to the forfeiture of all of his right, title, and interest in the Subject Property;

WHEREAS, pursuant to 21 U.S.C. § 853(g), 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461 and Rules 32.2(b)(3), 32.2(b)(6), and 32.2(c) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED, ORDERED AND AGREED, by and between the office of Preet Bharara, United States Attorney by

and through Assistant United States Attorney Michael Lockard, and Kenneth Starr, and his attorney, Flora Edwards, Esq., that:

1. As a result of the offenses charged in Counts Nine, Twenty-One and Twenty-Two of the Indictment, to which the defendant entered a plea of guilty, all of the defendant's right, title and interest in the Subject Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n). The defendant agrees that he will not file a claim or a petition for remission or mitigation in any forfeiture proceeding involving the Subject Properties, either on his own behalf or on behalf of Colcave LLC, and that he will not assist anyone else in doing so.

2. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture is final as to the defendant, KENNETH STARR, and shall be deemed part of the sentence of the defendant and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture, the United States Treasury Department (or its designee) is authorized to seize the Subject Property and hold the Subject Property in its secure, custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for

Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Subject Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. Pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to

the Subject Property pursuant to 21 U.S.C. 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. The signature pages of this order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

[Signature]

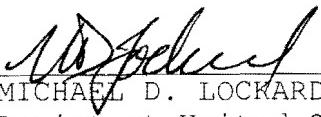
[Signature]

~~2/22/2011~~ 2/22/11

11. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Michael Lockard, One St. Andrew's Plaza, New York, New York 10007.

Agreed and consented to:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: 
MICHAEL D. LOCKARD
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2193

2/22/2011
DATE

KENNETH STARR

DATE

FLORA EDWARDS, Esq.
Counsel for the defendant
115 Broadway, Suite 1505
New York, New York 10006
(212) 785-3344

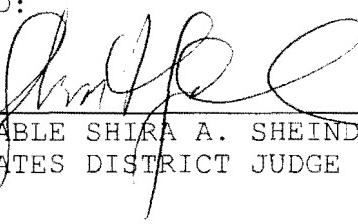
DATE

COLCAVE, LLC

By: _____
Kenneth Starr
Managing Member

DATE

SO ORDERED:


THE HONORABLE SHIRA A. SHEINDLIN
UNITED STATES DISTRICT JUDGE

2/22/11
DATE